

ENVIRONMENTAL QUALITY COUNCIL

March 13, 1998

Original Minutes with Attachments

COUNCIL MEMBERS PRESENT

Rep. Vicki Cocchiarella, Co-Chair
Sen. Ken Mesaros, Co-Chair
Rep. Haley Beaudry
Sen. Vivian Brooke
Sen. William Crismore
Rep. Kim Gillan
Sen. Lorents Grosfield
Rep. George Heavy Runner

Sen. Barry Stang
Rep. William Tash
Ms. Julie Lapeyre
Mr. Bill Snoddy
Mr. Jerry Sorensen
Ms. Jeanne-Marie Souvigny
Mr. Gregory Tollefson

STAFF MEMBERS PRESENT

Mr. Todd Everts
Ms. Kathleen Williams

Ms. Martha Colhoun
Mr. Larry Mitchell

VISITORS' LIST

Attachment #1

COUNCIL ACTION

- Approved minutes from the January 8 & 9, 1998 meeting.
- Decided to have the Subcommittees emphasize BMPs within their work scope and also to monitor the work of the Northern Plains Resource Council.
- Approved questions for the DEQ audit and will forward same to Audit Committee.
- Request and update from Fish, Wildlife and Parks regarding the effectiveness of their Fisheries Management Program.
- Approved request from the Department of Transportation to make a presentation regarding legislation they are drafting which relates to conservation easements and wetland mitigation.
- Set next meeting date for May 8th.

I CALL TO ORDER AND ROLL CALL

CO-CHAIR COCCHIARELLA called the meeting to order at 9:00 a.m. Roll call was noted; SEN. MCCARTHY and REP. OHS were excused. **(Attachment #2.)**

SEN. BARRY STANG was introduced as a new member to the Council. He is replacing SEN. BILL WILSON.

II ADOPTION OF MINUTES

Motion/Vote: SEN. MESAROS MOVED THAT THE MINUTES OF THE JANUARY 8 & 9, 1998 EQC MEETING BE APPROVED AS WRITTEN. THE MOTION CARRIED UNANIMOUSLY.

III ADMINISTRATIVE MATTERS

Information Request System Report

MR. EVERTS explained that the Legislative Division has instituted a request system for the purpose of eliminating duplication of effort by staff members. He provided a handout representing information requests in the Division, **Exhibit 1**. The EQC receives 23.4% of the information requests. Requests can be very complex. There have been a large number of electric industry requests under the natural resource area due to the Special Session call.

EQC Committee Budget

MR. EVERTS provided the Committee with a budget report, **Exhibit 2**. To date the Council has spent \$15,000 with \$37,000 remaining. There is a shortfall in the Resource Indemnity Trust Fund. This Council receives half of its funding from that fund. There's a potential \$3.1 million shortfall across the program. The Legislative Fiscal Division is looking into this problem.

Staff Changes

MR. EVERTS stated that MARTHA COLHOUN will be leaving the Council for a position at Fish, Wildlife and Parks. She has been a tremendous asset to the Council.

MS. COLHOUN thanked the Council for the honor of working for the EQC. She stated that she has been very lucky to have learned a tremendous wealth of information in a short time. She takes with her the knowledge of the Council's work on issues important to Montana.

Legislative Council - Interim Committee Realignment

CO-CHAIR COCCHIARELLA explained that the Legislative Staff is being overloaded with work. The Legislative Council is looking at new ideas for accomplishing interim work. Speaker Mercer proposed appointing general topic committees. One of the topics mentioned was a natural resources interim committee. It is important that the EQC become very proactive in its approach to the design of the interim changes. The EQC has higher status and a greater responsibility in the law than other interim committees.

She asked for a subcommittee to be appointed to present a plan to the Legislative Council for their consideration for interim committee work. If there is a natural resource committee, it should be the EQC.

SEN. GROSFIELD stated that there has been discussion for the past several years regarding eliminating the EQC. He questioned if that was under the surface. CO-CHAIR COCCHIARELLA believed that could be one of the options of the Legislative Council.

SEN. BROOKE suggested recruiting former EQC members for the subcommittee. Their knowledge of the history of the Council would be helpful.

REP. TASH pointed out that MS. WILLIAMS has highlighted certain statutory responsibilities of the EQC in the Water Policy Subcommittee Work Plan. This could be helpful to the subcommittee.

CO-CHAIR COCCHIARELLA suggested a strategy session before the next EQC Subcommittee meetings. This would involve all Council members and serve in lieu of an appointed subcommittee.

IV BEST MANAGEMENT PRACTICES SEMINAR – ENHANCING THE APPLICATION AND EFFECTIVENESS OF VOLUNTARY BMPs IN MONTANA

MS. WILLIAMS explained that voluntary BMPs have been discussed for the past two years. The last item on this portion of the agenda involves future actions regarding BMPs. The Council will need to consider possible follow-up actions pertaining to voluntary BMPs.

The EQC was instrumental in the formalization of the Forestry BMP Program. Also, the findings of the compliance study last interim identified three BMP programs which were successful. One was a coal and uranium program which was a highly regulatory program. Another was the Forestry BMP Program. The third program was the Small Business Air Quality Ombudsman Program.

Last interim, the Compliance and Enforcement Subcommittee asked staff to review agency programs which may benefit from voluntary BMPs. The Subcommittee further asked the regulatory community for suggestions as well. She provided the Council with a copy of the staff report, **Exhibit 3**. The report concluded that the use of truly voluntary BMPs as an enforcement tool was rare in state environmental and natural resource programs. The Subcommittee recommended that the EQC should further investigate opportunities for the use of voluntary BMPs to achieve compliance and enforcement goals.

SEN. BROOKE asked for further information regarding the green building at MSU which was discussed at the last meeting. She stated that there have been concerns about the expenses involved. MS. WILLIAMS agreed to look into further information on this project.

Panel Presentations

MS. WILLIAMS provided the Council with a status of BMPs in Montana, **Exhibit 4**, and the Department of Environmental Quality Status of Streams report, **Exhibit 5**.

Silviculture

Bud Clinch, Director of the Department of Natural Resources and Conservation, stated that there are five elements that are the key to success of BMPs. The elements include: 1) The voluntary program must be stakeholder initiated. 2) There must be an educational component. This could include publications, workshops and field trips. 3) There must be an effective monitoring program that substantiates that voluntary BMPs are achieving the desired goals and objectives. 4) The program must have credibility. 5) The program must be evolving and non-static.

There are a lot of details associated with BMPs. When Montana BMPs were initiated in the mid-80s things were different. There was a more heightened environmental movement which was particularly focused on forestry. The political climate was receptive to regulation. This was before the days of private property rights and takings. There was a real threat to a viable economic base, the wood products industry. He added that there is a general philosophy within the private sector that they can do things better and less expensively than government. The EQC was convinced that prior to the establishment of a regulatory program voluntary BMPs should be tested in the forestry program.

The Forestry BMP Program developed a critical educational component which included the following elements: 1) know your audience, 2) speak their language, and 3) present materials which are readily received. He is very proud of the booklet prepared by the Forestry BMP Program. A number of states have adopted and, with permission, copied the booklet. However, they have missed out on the involvement and buy-in associated with the program.

The Forestry BMP Program conducted the early workshops at shop locations so the audience would be comfortable. Oftentimes, the instructors were loggers. Loggers and logging contractors were instructed on how to give presentations. This resulted in buy-in and motivation. Most of the wood harvested in Montana is manufactured in Montana. This results in the manufacturer having a vested interest in BMPs. He relied on this network for attendance at workshops. Lunches were provided by sponsors. This brought all segments of the industry together.

The audit program includes a multi disciplinary team composed of landowners who are complying and implementing BMPs as well as other affected parties such as FWP, the environmental community, US Forest Service, BLM, Dept. of State Lands and industrial forestry. This program provides a quantitative measurement of effectiveness and identifies the strengths and weakness of BMPs to include shortcomings and necessary changes.

Credibility is a necessary element. BMPs must be substantial and produce the desired results of the plan. The program must be honest and it must have integrity. No entity can be cut from the process. BMPs must be fairly and equitably applied and evaluated. This methodology produces a mind set that empowers people with knowledge. They are given reasons to do things, not rules.

About 50% of the violations they note today come from admissions by the industry. The Department has adopted modified BMPs to reflect items that are no longer relevant as well as new and modern procedures which need to be illustrated in the BMPs. They are beginning their 6th series of forestry BMP audits this year. The audit team has been expanded by 25% to look at historical practices to see if the results identified five years ago hold true today.

They also have an area within the forestry program known as the slash hazard reduction program. There is a regulatory program that sets the amount of fire hazard which can be produced following a logging job. They are exploring a voluntary pilot program in this area.

Agriculture

Tom Pick, Natural Resources Conservation Services, remarked that in the 1994 305(B) Report prepared by the DEQ agriculture was shown as the leading cause of impairment on Montana streams. Agriculture makes up 64% of the state's land use. It is also the leading revenue generating industry in the state.

The BMP goals are to meet Montana's water quality standards. The implementation can be on a system or individual basis. Often when they are attempting to solve one problem, other resources are affected. Effectiveness can be determined by direct monitoring of pollutants, monitoring indicators, research, and photo documentation. BMPs are effective when properly applied, operated and maintained at the level necessary to accomplish the job.

An example is the improvement on Godfrey Creek. They reduced total dissolved solids by 60%, phosphorous by 58% and coliform bacteria by 84%. The total nitrogen increased during this period. On East Spring Creek, with a combination of application of land treatment, sediment control practices and habitat enhancement, there was a 300% improvement of fish population.

He provided the Council with a copy of "Prescribed Grazing", **Exhibit 6**. The elements of this practice is to specify or prescribe the intensity, frequency, duration and season of use of grazing. Grazing BMPs are implemented by demonstration projects; tours, workshops and symposiums; publications; federal and state permits; cost-share and grant programs; and on-site technical assistance.

Irrigation water systems report a 40% to 60% reduction in water use with irrigation system audits. Animal waste management includes organic materials, nutrients, pathogens, and sediment.

The keys to success involve application at an area wide level; local leadership and coordination; a collaborative process; a strong information, education and demonstration program; patience; flexibility and creativity; an incremental approach; and cooperative agency support.

Resource Extraction-Mining

Pete Stazdas, Small Mine Program Supervisor at the DEQ, remarked that the voluntary nature of the mining regulations in Montana is a mixed bag. All metal mining and exploration is conducted under either operating permits, exploration license or small miner exclusion statements (SMES). The SMES is an exclusion from the permitting requirements of the law. The small mine is defined as a mine which disturbs and leaves unreclaimed no more than 5 acres. The BMPs are not reviewed by the state. Miners working on forest service land must provide operational plans before beginning work. The activities of recreational miners are not regulated. Recreational miners are those who do not use mechanized excavating equipment and who limit their disturbance to a 10' by 10' area or 100 square feet. Individually, recreationists create a very negligible impact. Cumulatively, in a high use area, the impact can be substantial. There are approximately 275 placer small miners who maintain an active SMES in Montana. Approximately 45% of these miners are working or have worked either in a stream channel, valley bottom, or beside a stream in the last two years. The number of small placer miners who use BMPs is not quantified.

They meet with operators on the ground before construction begins. The BMPs are working if the water stays clean. Their measure is the number of non-compliances which are issued during any given year. Over the last ten years, they have averaged 1½ water-related non-compliances from placer mines on an annual basis. Sedimentation has been the result of messy operations or non-knowledgeable operators.

The only effort to improve voluntary application of BMPs that has not been tried, is an expanded education process. Commitments and competence on the part of the operators and regulators are the keys to a successful voluntary effort in the small miner placer arena. People do a better job if they are convinced to do something right rather than being compelled to do so.

Hydromodification

Rich Moy, DNRC, explained that hydromodification is any activity that affects the natural flow of a stream or a river and anything that affects water within a reservoir system. The goals for BMPs related to hydromodification would be to mitigate the impacts associated with flow modification activities. There are three types of activities included: 1) stream banks and channel alterations and construction; 2) flow regulation and modification; and 3) construction and operations of dams.

In the area of stream banks and channel alterations and construction, the Montan Stream Management Guide identifies good BMPs. This could include highway and railroad construction, enlargement of agricultural lands along streams and rivers, creation of subdivisions that affect a river system or a stream, and the construction of irrigation diversion structures. In times of drought, irrigators have used bulldozers or backhoes to move

into a river system to make sure that water returns to the diversion structure. Portable diversion structures can be used with minimal impact in the channel.

The Yellowstone River Task Force is looking at the channelization issues in the upper Yellowstone. The idea is to take a holistic approach of the channel profile.

He was unable to find BMPs for flow regulation and modification. The Kootenai River system has about ten times the aquatic life and fishery as the lower Flathead. The reason for that is the impact of peaking on the river system. Dams store spring flow and have an impact on the normal flushing flows that occur in the channel system. It has been argued that one of the reasons there are endangered species downstream of Libby Dam is the way the reservoir is operated. When reservoir systems trap sediment downstream, this can cause erosion problems.

Irrigation projects can divert a river system during a drought. In the Big Hole Watershed, the local water users are working together to develop drought management plans. Some of the voluntary actions in the Big Hole area include hauling water, sharing shortages, and putting in ground water wells to supplement irrigation.

Mr. Moy stated that he has not seen any BMPs associated with the operation and construction of dams. There are a lot of regulatory requirements. Temperature impacts on releases from a reservoir can have significant impact on aquatic life. A good example of this is Hungry Horse.

The keys to success for BMPs for hydromodification are that the program should be voluntary, there should be good educational opportunities, and there needs to be a funding source for mitigation activities. EQC should play a role. Additional research needs to be accomplished.

Land Disposal

Pat Crowley, Acting Supervisor for Waste Management, Permitting and Compliance Division, DEQ, stated the land uses he will cover include solid waste, hazardous waste, septic tank pumpers, junk vehicles, and composite operations. The amount of voluntary activities allowed is based upon the perceived risk to the environment. Solid waste has a performance standard. Methods can be chosen voluntarily and then they are given performance standards. Septic tank pumpers have rules prescribed by the EPA's 503 regulations. In the area of junk vehicles, BMPs for industrial facilities are applied and put into the plan of operation. Agricultural composite operations which would be waste placed on the farmer's land, are voluntary BMPs. Farmers are provided the animal waste management guide, but are not regulated. Landfill BMPs with regard to storm water are also working.

Due to federal rules and regulations, it is difficult to establish completely voluntary programs. They prefer a regulatory framework which has performance standards.

Construction

Nick Bugosh, Water Protection Bureau, DEQ, stated their program addresses water quality protection through BMPs. BMPs can be physical or institutional. The program is implemented through issuance of permits. A fee is required for permit coverage and permittees are required to prepare and submit plans for review. Discharge monitoring is required by the mining and industrial permit, but not the construction permit. The purpose of the monitoring is to verify effectiveness of the plan and to see if the BMPs are affecting water quality. Reports must be submitted to the department to document compliance.

He provided a copy of a histogram of Montana Facility Sediment Values, **Exhibit 7**. This shows that 88% of the samples were below 400 milligrams per liter. The discharge quality goal is 100 mg/L. Most of the facilities are achieving the goal.

When Stormwater BMPs are not successful, it is because the operator 1) is not using them, 2) is not using the BMP correctly, 3) hasn't selected an appropriate BMP for the task, or 4) the waste load is too great to be handled by BMPs. He referred to a copy of a reprint of Chapter 14 from Advances in Modeling the Management of Stormwater Impacts, **Exhibit 8**. **Mr. Bugosh** authored this chapter. The Montana Stormwater Program is more stringent than the federal program and requires that permittees prepare a plan to implement BMPs. Only one-half of the facilities submitted a plan and only about one-half of the plans were adequate.

He referred to a copy of the "1996 Storm Water Dischargers Above the 85th Percentile", **Exhibit 9**. This shows all different types of industries.

He added that a study recently conducted by the National Forum on Non-Point Source Pollution came up with two key findings. The first is that people blame business and industry for pollution and the second is people believe pollution is not caused by their community.

The Legislature could help by 1) authorizing administrative penalties, and 2) by promoting public policy that would endorse state regulatory agency refusal to accept blanket federal regulatory programs.

The keys to success in developing and implementing voluntary BMPs would include that operators 1) must recognize and understand the symptoms of the problem and its causes, 2) will have better success using BMPs on the cause, 3) must be trained in proper BMP installation, and 4) must have a monitoring program to evaluate the effectiveness of BMPs.

He recommended an approach to environmental regulation which provided that problem operators be identified and worked with to achieve compliance goals. An off ramp should be provided when the compliance goals are met. (Additional handout, **Exhibit 10**.)

Questions from Council Members

MR. SNODDY asked if the Stormwater Program had any training for small operators. **Mr. Bugosh** explained that they had several workshops and would be able to arrange workshops if requested to do so. When they receive calls regarding the program, they usually provide the requesters with booklets and videos.

SEN. BROOKE asked **Director Clinch** if there was a belief among the timber industry that they were required to accomplish certain tasks under SMZ regulation and other entities were not required to do so. **Director Clinch** stated that comments he has heard contrast the difference between activities on a logging job relative to road construction and water quality protection and what might be done by the Department of Transportation on highway development.

SEN. BROOKE asked **Mr. Strazdas** if he was in favor of more enforcement. **Mr. Strazdas** stated they have enforcement capabilities. He was implying that performance is better when the operator is also committed to achieving the goals rather than being strictly regulated.

MR. SORENSEN asked what process would be used for a BMP slash program. **Director Clinch** stated he would like to initiate a public involvement process which included parties from non-industrial private land, industry, environmentalists, etc. These programs need to be driven from the ground up.

MS. SOUVIGNEY questioned whether the 305 B Report was used in judging whether the voluntary BMPs were actually keeping the water clean. **Mr. Strazdas** explained that the 305 B Report used historic placer disturbances as well as today's mining activities. They only regulate that which is ongoing.

Perspectives and Suggestions

Agriculture

John Youngberg, Montana Farm Bureau and Statewide TMDL Advisory Group, stated that in 1986 the Farm Bill asked farmers and ranchers to prepare conservation plans to have in place by 1990. In 1991, Montana have 13,775,000 acres under conservation plans and of that amount 5 million acres had the plans applied. By 1997, the entire 13 million acres have plans applied. The plans required BMPs or conservation plans for land, soil and water to control erosion. The savings in soil erosion in Montana has been significant. Farmers realized that when the plans were put in place, their bottom line was increased.

Education is necessary for the rural subdivision person who has 20 to 100 acres and is not aware of the available programs. Funding in extension services is a factor. A lot of the basis for the conservation plans comes from improved technology. We need to keep a viable, sustainable agriculture in Montana. The people who can afford to use the technology are the ones making money.

John Bloomquist, Montana Stock Growers Association, stated the Grazing Practices Work Group was convened in 1992. This group created prescribed BMPs for grazing and water quality in Montana. When

looking at grazing and water quality issues, he suggested that this not be limited to a one-size-fits-all plan. The program needs to be designed for flexibility and site specific development and application.

He further stated that grazing practices and science has evolved. Education does work. A monitoring seminar was conducted in 1994 where about 10 ranchers were present. The same seminar was held a couple years later and approximately 140 were present.

George Algard, Montana Department of Agriculture, stated that farmers and ranchers are interested in voluntary practices. However, in the area of pesticides, voluntary practices may not work. They have worked diligently with the Montana Extension Service for the past 20 years in pesticide education. They need to show farmers and ranchers the benefits of BMPs. The Montana Agricultural Chemical Groundwater Act became effective in 1990. They have been monitoring various cropping situations. They have not found problems generally with pesticides in groundwater around the state; however, there are several small areas where pesticides are present in groundwater. BMPs will be written into their plans, but they will not be voluntary.

Michael Cobb, Conservation District, provided the Council with a written presentation, **Exhibit 11.** He was not able to attend the meeting.

Robin McCulloch, Montana Bureau of Mines, stated that when the BMP process was started there was a problem with both the agencies and the numerous rules and regulations being in conflict. Agencies have been able to resolve most of the conflicts. BMPs need to be practical. Their goal is to have achievable goals so that the miners will determine that not only can they adopt a practice, but they can do it better than their neighbor. There are roughly 500 drainages in Montana that have been placer mined. They need financial help for education. BMPs are needed for the hobbyists because they are not regulated.

Patrick Heffernan, Montana Logging Association, stated they have a very well established and institutionalized educational program. They hold a series of workshops every year on BMP implementation and effectiveness. They will be conducting the workshops this spring. From May 11th through May 15th they will be in Billings, Ashland, Lewistown, White Sulphur Springs and Livingston. May 18th through the 21st they will be in Missoula, Plains, Libby and Kalispell. He invited EQC members to attend.

Audits are being improved by going to a new level of evaluation. They are trying to tease out the long term effectiveness of forestry BMPs. This will lead to useful information for TMDL implementation.

The reason the National Forest road system has a performance problem is because many of the roads were built before there were forestry BMPs.

Jim Jensen, Montana Environmental Information Center, stated that the discussion on BMPs missed an entire universe of activities which are more effective than voluntary BMPs. The 310 Program, which was adopted in the 1970s, is mandatory and administered by local conservation districts and has a substantial success rate of both compliance and effectiveness. This is a model for cleaning up waterways and preventing further pollution of the same. The SMZ law was necessary because there were substantial problems with a failure of BMPs to protect water.

The forestry BMP audit results for 1996 shows that 34% of the sites audited had a least one major temporary problem or minor prolonged or chronic problem. Lewis and Clark County has a sediment and erosion control ordinance. It is mandatory and applied countywide outside the city limits of Helena and East Helena. This is a successful and cost effective program.

Vivian Drake, Lewis and Clark County Water Protection District, remarked that the Helena valley has non-existent BMPs. There are cattle in streams and feedlots are adjacent to streams with no controls in place. We need to improve education at the local level. The Conservation District is active in handling the 310 permit and the sediment and erosion control ordinance. However, they are so busy enforcing the programs, there is no time to get information to local agricultural and subdivision communities on voluntary BMPs. The local single landowner who has between one and ten acres would benefit from BMP education. The equine slums are significantly contributing to the degradation of streams and groundwater.

Krista Lee-Campbell, Conservation Districts Bureau, DNRC, stated that the grazing practices work group was a good way to come up BMPs. The grazing practices standard is being used to develop a booklet for producers. The grazing practices work group is working on a practice audit with the Forest Service.

She is working to develop a small acreage management workshop series. They are developing a basic awareness course to bring the people up to a level where they know they have problems and can ask questions. She added that they need funding.

Mary Ellen Wolfe, Montana Watercourse, explained that Montana Watercourse is an adult and youth water resource education program at MSU. Their program has worked to correct the perception that it is an environmental program. Education involves various phases related to different subjects. People need to be aware of a need. Knowledge will lead to changes in attitudes which will allow people to be open to developing skills.

They have given workshops in 10 communities to organize a community based watershed education program that is holistic. This will build the awareness and knowledge to become receptive to BMPs. Another program they have is Project Wet Montana which is water education for teachers. They have 27 facilitators around the state who teach in local schools and have been through a wet training. They have workshops every year to show teachers how to teach about Montana's resource. They are currently developing a Landowner's Guide

to Montana's Wetlands. REP. TASH has taken an active role in that project. The goal is to develop a landowner's resource for understanding wetlands protection. They also have a volunteer water monitoring program. This involves a multi-faceted steering group of agricultural water users and regulators. BMPs require a high level of knowledge and awareness.

Steve Potts, Environmental Protection Agency, emphasized that EPA believes that after BMPs are applied on the ground there must be a system in place to determine their effectiveness. Adjusting BMPs is necessary to assure that water quality is protected. Education is very important and appropriate. The EQC and the Legislature could provide support for education and preparation of documents, brochures, videos, public service announcements, workshops and seminars. On the ground training and instruction is the most effective way for people to understand how their land management activities affect water quality.

Stuart Lehman, Watershed Management Section, DEQ, stated that his section is responsible for implementing the TMDL program and coordinating non-point source management for DEQ. Monitoring the water quality and habitat effects of BMPs is critical. It is also important to know if the locally developed watershed management goals are being met.

A key to success is finding BMPs which help pay for themselves. An example would include integrated pest management and the use of scouting. Another example would be protecting riparian habitat versus restoring and rebuilding stream banks.

Bonnie Lovelace, DEQ, stated that BMPs are used under some regulatory titles. The wording "best technology currently available" is included in many of the environmental laws. There needs to be a concerted effort to coordinate BMPs. Sharing BMPs is something the Council could address. Within an industry, it is difficult to share due to competition.

V CRESTON SAND & GRAVEL OPEN CUT GRAVEL PERMIT DISCUSSION

MR. MITCHELL related that Council members had been provided several documents on this issue which included an Update on the Creston Sand & Gravel Projects, **Exhibit 12**, a primer on the open cut mining law, **Exhibit 13**, copies of zoning laws, **Exhibit 14**, and area news clippings, **Exhibit 15**.

There is a law stating that an open cut permit is necessary to dig up gravel. Also, there is a law stating that if air pollution will be caused, an air pollution permit is required. In the current situation, the applicant has an eight acre gravel pit that has been in operation for some time. He has applied to the Department of Environmental Quality (DEQ) for expansion of that pit. The permit application is going through an environmental assessment (EA). He also applied for an air pollution permit for a gravel separator and conveyor system to separate and sort gravel. The department's decision to issue the permit has been appealed to the Board of Environmental Review.

A. *Montanans Against Pollution*

Mr. Terry Crowell, Montanans Against Pollution, presented a petition containing over 250 names of local residents who want to see the gravel pits closed, **Exhibit 16**. He stated that the purpose of his report was to inform the Council about the egregious behavior of the DEQ as it relates to Creston Sand and Gravel Pit, which is located at the intersection of Highway 35 and Lindsey Lane. The location is seven miles north of Bigfork. Mini Lakes Wakewood Community is a rural subdivision with 300 property owners. At issue are two contiguous gravel pits that operate as a public nuisance. The pits are contemporaneous to their southern property boundaries. The owner has applied for permits to expand the operation to include more rock crushers, screening plants, a pug mill (also known as a cold asphalt plant), increased roads and trucks, and an increase in mining output from 20,000 to over 400,000 cubic yards of gravel. This would add up to 40,000 truckloads. The DEQ's EA claims this will not cause any additional pollution or impact on the residents.

Some resident water wells already exhibit a chocolate taint to water clarity. The depth of the pits are dangerously close to contaminating their fresh water supply. According to Jerry Burke, DEQ, they intend to allow the depth of the mining within three feet of two known aquifers which are the source of the well water in the region.

DEQ prepared a list in 1993 detailing approximately 49 individual complaints by area residents. These complaints have been ignored. They include allegations of illegal toxic chemical disposal, improper fuel storage, noise pollution and air pollution. The DEQ has ignored Article II, Section 3 of the Montana Constitution which mandates public hearings. The Constitution guarantees the citizen's rights for a healthful and clean environment. He referred to a complete summary of alleged major permit violations by the pit operators and the "dirty little deal letter" [not presented as exhibits]. A community bulletin was sent out to various state members and the press.

He referred to a half dozen identical permits which have been granted by DEQ. These permits reflect the rubber stamp approach used by the DEQ. The DEQ is passing up their opportunity to comply with the issuance of permits by not performing an environmental impact statement (EIS). They are using the Cadillac Mine case to say that the open cut mine laws do not need to apply to the Montana Code. Title 75 of the code specifically states that an EIS is required. Anyone who opens an open cut mine and has the financial responsibility to reclaim the mine, should be subjected to an EIS.

The permits referred to allegedly showed identical EAs for an asphalt plant, rock crusher, double rock crusher, and a single screening plant. How could a single screening plant emit the same amount of pollutants as an asphalt plant? He asked the members of the Council to look into changing the laws that rule the DEQ.

B. *Applicant Comments*

Cecil McKinley, owner of Creston Sand and Gravel, stated that his open cut and air quality permits are being processed. He asked to address the Council after the permit was completed.

C. DEQ Permitting Division Staff

Steve Welch, Industrial and Energy Minerals Bureau, DEQ, assured the Council that the DEQ staff has not conspired with or against anyone. They have not been receiving political pressure. The Director and Deputy Director have instructed the staff to follow the process and to be fair and consistent.

The first public meeting was held in 1993 when **Mr. McKinley** submitted his first application. At that meeting, the participants were informed that this operator, or anyone else, could at any time apply for an additional acreage and expand their operation. They were advised that to avoid these types of land use conflicts in the future, they should seek relief in the form of statute changes or zoning. A local zoning district has been proposed and should be completed in the near future. The meeting participants were also informed that the DEQ had to stay within the bounds of their statutory authority and that the operator should know the guidelines within which he could operate.

In 1995, the same message was reiterated when Schellinger Construction applied for an open cut permit adjacent to and immediately east of **Mr. McKinley's** land. The permits have been treated separately with exception of the MEPA process when they looked at the cumulative impact for each pit operating concurrently. The Schellinger Pit should start reclamation this month.

It is not uncommon for an open pit permit application and an air quality permit application to be received at different times. Oftentimes the crusher operator is a subcontractor of the person who submits the application for a mining permit.

They were aware of the amendment application in July of 1997. A completed application was received near the end of October and a supplemental draft EA was sent out in November for public comment. This generated a lot of public comment. The initial application for the amendment was for an additional 2.5 acres. The concern was the addition of an asphalt plant and the proposed establishment of a composting facility, which had no part in the open cut mining application.

Mr. McKinley's application changed sufficiently from the original scope. The DEQ had hydrologists and reclamation specialists determine the information necessary for a complete EA and review of the resources necessary to make that decision on the Open Cut Mining Act. On February 2nd they had sufficient information to start the process. By law, DEQ has 60 days within which to make a decision. A property appraisal was necessary. The time frame was extended and now runs until April 3rd. Copies of the completed EA were sent out today. This will remain open for written comment through March 28th. Press releases will be provided to Kalispell area media. The press releases indicates the availability of the EA, solicits comments, and advertises the public meeting to be held in Creston on March 26th at 7:00 p.m. at the Grange Hall. If possible, the decision will be made by April 3rd. This is dependent on the complexity of the comments received. Their legal staff advises that they have the ability to request a voluntary extension of time from the applicant. All substantive and relevant comments will be evaluated and used in the decision making process.

This is a land use conflict and not a reclamation problem. The site is easy to reclaim. The resources can be protected. This situation arises frequently with gravel operations and rural residential conflicts; however, the Open Cut Mining Act was not designed to handle these situations.

Richard Knatterud, Air Permitting Section Supervisor, DEQ, stated that in early December they received an application from **Mr. McKinley**. Public notice was given in the Kalispell Daily Interlake on December 11th. This notice indicated that **Mr. McKinley** wanted to operate a portable screen at his gravel pit. On December 22nd the Application of Publication of Notice was received and the application was complete. On December 24th a preliminary determination was issued. A fifteen day public comment period followed. The preliminary determination was a draft EA. In early January the public comment period was completed. Later in January they received additional requests and concerns from people in Creston. A public meeting was held on February 4th. On February 10th the department determination to issue the air permit was made. This included the concerns expressed and additional information. This permit decision was appealed to the Board of Environmental Review. This involves a contested case hearing.

D. Council Discussion

MS. SOUVIGNEY requested further information regarding the proposal for a zoning district. If the zoning is approved, would the permit be affected. **Mr. McKinley** stated the permit would be grandfathered to a point but may also affect his operation.

Collen Coyle, Attorney for Sorrie Lodge, stated that they are not involved with **Montanans Against Pollution** but are very concerned about this matter. A meeting is scheduled on March 25th for the county commissioners to consider issuing a resolution of intent to adopt the zoning district. If this is done, a protest period would follow. The resolution would be adopted after a 30 day period following publication. The proposed zoning would not prohibit the continuation of operation of the gravel pit. It would be either non-conforming or special use. The expansion and further work of the pit would be in question. The applicant's proposal would be in question under the new zoning. The establishment of the zoning district was approved unanimously by the planning commission.

MR. SORENSEN asked if the property appraisal work was for impact on property value. **Mr. Welch** stated that they are directed to take into consideration the effect the operation may have on lands in relation to taxable value. With certain mitigation measures, the taxable value would not be impacted. They hired an independent MIA appraiser to appraise real property within a half mile radius of the site. His conclusion was that the value would not decrease as long as there was no asphalt plant.

CO-CHAIR COCCHIARELLA asked how many times this kind of permit had been denied. **Mr. Welch** stated denial was infrequent because most sites are in areas that can be reclaimed.

CO-CHAIR COCCHIARELLA asked if there was an issue with the statute. **Mr. Welch** explained they do not have much authority to address these issues. This does not satisfy either side.

REP. GILLAN asked how public comment was incorporated into the final EA. **Mr. Welch** stated that the comments received were generated by the original draft supplemental EA. That application was withdrawn. The EA now being submitted for comment, will consider the substantive comments.

SEN. GROSFIELD stated that, under the statute, the criteria under which open cut mining permits were granted dealt with local zoning regulations first. If there are no zoning regulations in place, the potential for reclamation is considered. He guessed that in most cases the site can be reclaimed. Air quality is the next consideration. His understanding was that it would be fairly easy for this type of operation to meet air quality standards. **Mr. Knatterud** stated that a portable screen has permit requirements. If the owner follows the requirements it is fairly easy to comply with the permit.

SEN. GROSFIELD asked if this type of permit had been turned down for air quality reasons. **Mr. Knatterud** stated that if the applicant cannot meet the standards, he usually withdraws the application.

SEN. GROSFIELD stated that it is his understanding that the area in question has gone through attempts at zoning which have been turned down. **Ms. Coyle** remarked that a comprehensive land use plan in the area was the subject of great controversy and was not passed. Citizens have been interested in zoning in this area for a long time. The present zoning is moving along smoothly. If approved, the resolution would be effective in early May. A concern is that the open-cut and air quality permits are moving at a fast track. The issuance of the permit and the zoning will be close in time. She expressed concern that proper deliberation is given to MEPA processes in the permit.

SEN. GROSFIELD stated that a previous legislature passed the amendment that required the Department to consider whether there was zoning in the area before a permit was granted. The legislation was specific to gravel pits. **Ms. Coyle** stated that the applicant needs to submit to DEQ a certification from the local planning board that his proposal is in compliance with zoning. In this case, the form was submitted in December which indicated that there was currently no zoning but a process was in place. Her understanding is that the DEQ has requested a new form from the planning office and this explains that zoning has developed to a large degree since December.

CO-CHAIR COCCHIARELLA related that the Department is complying with time lines which are set out in statute. There is a 30 day requirement for response. Following that, the approval process is automatic. **Mr. Crowell** stated there is a 30 day requirement but there is also an item called letters of deficiency. There have been two letters of deficiency which cause the time period to start over. The DEQ is not following a public hearing process. The Montana Code requires public hearings before decisions are rendered.

REP. HEAVY RUNNER questioned how many people were employed at the operation and whether or not an alternate sight had been considered. **Mr. McKinley** stated he had five employees. He didn't see a choice on an alternative site.

SEN. GROSFIELD stated that it was his understanding that a public hearing was not required for the permits at issue. **Mr. Welch** stated the statute did not require a public hearing. The MEPA process requires public participation which is handled through public meetings and allowing written comments.

SEN. GROSFIELD asked if it would better if the statute did require public hearings. **Mr. Welch** remarked that in a contested case hearing the formal process would serve a better purpose. For this particular type of action with full public participation, he didn't know what more could be gained by a public hearing.

SEN. GROSFIELD further asked if the 60 day period was sufficient or if a better situation would be a 90 day period. **Mr. Welch** stated the 60 day period was generally sufficient but there are times when it would be better to have more time.

SEN. BROOKE asked if there was no requirement for a public hearing on this particular issue.

MR. EVERTS stated that under the rules of MEPA, EAs do not require public hearings. That is totally within the discretion of the department.

MR. MITCHELL stated that except for an EIS or mitigated EAs there was no requirement for public hearings. The air quality permitting application requires provision for public participation through various methodologies, one of which could be a public meeting or a public hearing.

Mr. Crowell asked the sequence of law in Montana. Under Section 2-3-111, MCA, it states that procedures for assisting public participation must include a method of affording interested persons reasonable opportunities to submit data, views, or arguments orally or in written form, prior to making a final decision that is of significant interest to the public.

SEN. BROOKE stated that in many of the natural resource issues which have been controversial there has been a real reluctance to go with an "applause meter". Public participation has been narrowed.

VI ELECTRIC INDUSTRY RESTRUCTURING UPDATE

MR. EVERTS provided the Council with an update of electrical industry restructuring, **Exhibit 17**.

REP. TASH expressed concerns relating to water rights in regard to MPC's sale of generation assets.

MR. EVERTS stated that he is staff to the Transition Advisory Committee and would be happy to provide this information to Council members. He also stated that the update could be an agenda item for a future EQC meeting.

The Council decided to defer this update until the next meeting.

VII SUBCOMMITTEE REPORTS

A. Growth Subcommittee

REP. GILLAN stated that the Growth Subcommittee met the previous day. They addressed the various legislative requests. Regarding Rep. Swanson's request which dealt with a tract of record, the Attorney General's Opinion has been completed and is somewhat confusing. They plan to have a panel presentation on this issue at their next meeting. Also, they may request that the county attorneys may wish to address the issue at their convention.

Another request was from Sen. Hargrove which involved incentives for open space. MS. COLHOUN informed them that the Montana Consensus Council and the Gallatin County Task Force are looking at similar issues. They will communicate with the committees and may be able to use some of this information in a final report by the Subcommittee.

Sen. Jergensen's request is to look at non-regulatory means of encouraging producer ownership of agricultural land in Montana. There are a number of things going on in this area and they will inform him of the activities. They may have an opportunity to address this issue in certain areas of the work plan on growth management.

Their work will focus on comprehensive planning throughout communities in Montana. Currently most areas handle growth management through the subdivision review process, instead of looking at the broader issue of planning.

A four step process was identified to look at comprehensive planning and how it relates to growth management. They will review the status of planning in Montana. They will use the information provided by the survey and back this up by case studies or examples of how comprehensive planning has or has not been effective. The next step will be to look at how planning can be improved. This will include ideas, education, communication, technical assistance, funding options, etc. This will be followed by a series of recommendations for implementation.

REP. TASH expressed a concern about the lack of significance given to agricultural land in open space guarantees. The present statute contains voids which could be easily corrected by amendment. He also suggested that the Subcommittee plan to seek consistency of the interpretation of subdivision laws.

REP. GILLAN remarked that this issue was addressed and is of importance to the Subcommittee. One of the reasons for inconsistency deals with comprehensive plans which were developed in 1972 being used to evaluate a 1998 subdivision plan.

B. Water Policy Subcommittee

REP. TASH provided the Council with a copy of the Water Policy Subcommittee calendar for the remainder of the interim, **Exhibit 18**. REP. TASH and MS. WILLIAMS have been attending TMDL advisory committee meetings. Their legislative responsibility is a report on the TMDL implementation process.

REP. TASH provided the Council with the Water Policy Subcommittee Meeting Summary which recapped the activities and recommendations of the Subcommittee, **Exhibit 19**.

VIII EQC DEQ AUDIT QUESTIONS

CO-CHAIR MESAROS provided the Council members with a list of draft EQC Legislative Audit Questions, **Exhibit 20**.

MR. EVERTS stated that the draft questions were taken from the issues discussed at the last meeting. He then met with Angie Grove and Ken Rice of the Legislative Audit Division (LAD) and following the meeting several modifications were made to the questions.

SEN. GROSFIELD asked when the audit would be completed. **Angie Grove, LAD**, stated that audit should be completed by this fall.

SEN. GROSFIELD asked if there were any guidelines regarding an agency's filing system being reasonably available to the public. He further asked if there were any standard procedures regarding an agency's filing system. **Ms. Grove** stated this involved two issues. Public disclosure and adequacy of a filing system are two separate items. There are rules and requirements for public disclosure and confidentiality. They will be looking into both public disclosure and adequacy items.

MR. SORENSEN asked the scope of the audit. **Ms. Grove** stated they would set the scope. This audit team has members who have previously audited DEQ programs. Scope will be finalized after the background review has taken place.

SEN. BROOKE asked how long it had been known that DEQ would be audited. **Ms. Grove** stated that it was requested by the Finance Committee last session. The audit was for the Permitting and Compliance Division at DEQ.

SEN. BROOKE questioned whether new record keeping procedures instituted because an audit was planned would be an issue for the audit. **Ms. Grove** stated that since members of the audit team have audited DEQ

programs previously, they have a historic perspective. They would not necessarily be concerned if they did change the system, if it was improved.

CO-CHAIR COCCHIARELLA asked if other audits included questions relative to staff turnover. This would include the reasons for staff turnover. **Ms. Grove** stated they have done staff turnover studies in previous audits particularly if it has affected operations. This will be incorporated in risk analysis and audit planning. Audit scope is not set until a risk analysis has been performed. The question will be incorporated in their planning stage. If there is a concern with staff turnover, they will incorporate it into their audit.

SEN. BROOKE raised a concern with the dissemination of information from the DEQ to the public. She would like this included in the audit. She was specifically interested in whether the DEQ disseminated information on a more specialized way to the regulated community. **Ms. Grove** understood this question to look into how information or decisions made by the DEQ would be communicated to groups outside the agency as a standard practice.

SEN. GROSFIELD stated that the case may be that a certain issue may cause many persons from the regulated community to ask for information and no one from outside the regulated community would ask for that information. **Ms. Grove** stated that for the administrative codes, public hearings need to be held. Someone may request to be on the hearing list. The audit would determine whether these persons were being adequately notified. Also, they would want to determine if people are informed that there is a process to follow.

SEN. BROOKE suggested that they look into who is privileged to public information. She also was concerned about how many current employees are actively seeking employment elsewhere. This deals with employee morale and job satisfaction.

SEN. GROSFIELD thought that would be a difficult question for an employee to answer. There are many reasons that employees would leave that would have nothing to do with employee morale.

CO-CHAIR MESAROS asked if this questioned had been posed in other audits. **Ms. Grove** stated that if they did an employee survey they could ask if they were actively seeking employment elsewhere. If so, why?

CO-CHAIR COCCHIARELLA stated that if she were asked the question, she would probably answer that she loved her job. This would be particularly true if she feared retaliation. **Ms. Grove** stated the audits were confidential and employees would not be identified. They require a court order for anyone to access their work papers. There would be no communication with management regarding the results. The results would be reported in summary form. It would be focused on impact on operations.

SEN. BROOKE had a concern regarding the department's communication efforts with local governments.

CO-CHAIR COCCHIARELLA stated that it was also an issue in the compliance and enforcement study.

SEN. GROSFIELD ask if the Subdivision Department would be included in the audit. **Ms. Grove** stated that it was an area where they would be doing some risk analysis.

SEN. GROSFIELD asked for an explanation of risk analysis. **Ms. Grove** stated that they analyze areas where there may be further audit work. The audit plan includes a risk analysis of various aspects of the operation and then deciding where the risks are located.

SEN. BROOKE questioned whether some of the issues in the Northern Plains Resource Council/MPRC report should be included in the audit scope.

MR. SORENSEN asked if the question relating to communicating with local governments included the laws which counties enforce which were initiated by DEQ. SEN. BROOKE stated she was more interested in the working relationship. **Ms. Grove** stated they would start with the statutes. If during the audit planning a problem was found, it would need to have an impact on operations. The cause could be the statute.

CO-CHAIR COCCHIARELLA remarked that the Council members were asked to submit questions and that SEN. BROOKS questions should be added to the list.

SEN. GROSFIELD summarized that the additional questions included 1) the relationship with the state and local governments and 2) dissemination of information to the public.

SEN. BROOKS added that her third question involved how many current employees are actively seeking employment elsewhere.

The Council members agreed to add the additional three questions submitted by SEN. BROOKE to the original three questions and forward same to the Audit Committee.

CO-CHAIR COCCHIARELLA asked **Director Simonich** for a response concerning the recent newspaper article regarding lack of employees in the Subdivision area and also what plans were being made to fill those positions.

Director Simonich stated they are moving expeditiously to fill the positions. The reason for the vacancies involve the approval of two fairly large new programs for the Department. The two programs are the State Drinking Water Revolving Loan Program and the TMDL Program. They were authorized 16 new FTE. Many of the people who applied for the positions and were very well qualified, were people already in the Department. The Subdivision Department is a high stress program. Three of the people in the Subdivision Department are moving into the new positions. Arrangements for transition have been made so each of the

employees leaving Subdivisions will be able to continue in their previous job for one day a week. The job advertisements were in place a week before the positions became vacant.

CO-CHAIR COCCHIARELLA asked if they would be paying higher salaries to attract employees to the positions. **Director Simonich** stated they are somewhat limited regarding salaries because the positions are classified at a particular grade. He did not expect that salary would be the initial problem in recruiting. Retention is difficult because this is a very stressful program.

MR. SORENSEN questioned whether the audit would address pay scale versus work evaluated. **Ms. Grove** remarked that they would look to see if the positions have been classified and how many positions have applied for upgrades.

IX OTHER BUSINESS

A. Best Management Practices Council Discussion

MR. EVERTS stated that the Council had received a lot of information on BMPs. An option would be to have the Subcommittees emphasize voluntary BMPs within their subject matter. The Growth Management Subcommittee may want to look at best development practices in the planning process. The Water Policy Subcommittee, when working with the TMDL process, would find a lot of the BMP issues surface regarding water quality.

Another option would be to target specific activities that would benefit from voluntary BMPs, create the frame work and then follow through on the project.

MR. SORENSEN stated that in the Flathead area everyone will be working together to decide BMPs. The Council has an opportunity to monitor how groups of TMDLs use BMPs.

CO-CHAIR COCCHIARELLA remarked that incorporating the voluntary BMP approach in Subcommittee issues would be very appropriate.

MS. WILLIAMS added that the Northern Plains Resource Council is studying the effectiveness and the application of BMPs. This will be completed on May 1st. They have offered to share their conclusions with this Council.

The Council decided to have the Subcommittees emphasize BMPs within their work scope and also to monitor the work of the Northern Plains Resource Council.

B. Sen. Crismore Request

SEN. CRISMORE expressed a concern regarding the bull trout population in this state. He requested having Fish, Wildlife, and Parks answer the questions he raised in his letter of February 1st to the Council, **Exhibit 21**. He also wanted them to explain how they would manage the cut throat population.

MR. SORENSEN stated they could include the Governor's Roundtable on Bull Trout in this briefing. **Ms. Lapeyre** stated the Executive Director of the Bull Trout Restoration Team is Larry Pederman, who runs the Fisheries Division. He may be able to attend on behalf of the Bull Trout Restoration Team. She added that the State of Montana submitted comments during the public comment process on the pending listing. Since the Commission approves the fishing regulations, it may be good to have a member of the Commission attend the meeting.

CO-CHAIR MESAROS stated that relative to activities of the Department of Fish, Wildlife and Parks, there is an issue with the programmatic EIS which is ongoing. He has documentation which indicated that it would be completed three years from the date of May 11, 1992. A draft form is not available at this time.

C. RIT Funding Short-fall

MR. MITCHELL referred to a memo from Roger Lloyd of the Legislative Finance Division, **Exhibit 22**. Resource Indemnity Trust (RIT) funds are put into a bond fund that was estimated to earn 8.2% interest this biennium. This turned out to be 7.8%. The interest the fund earns was over appropriated by \$1.9 million the last session. The shortfall this biennium will be approximately \$3.1 million if all expenditures are incurred. The programs that receive a percentage of the interest are at risk. The Executive Branch will decide how to handle the problem. The Legislative Finance Committee met on the issue and did not make any recommendations regarding programs appropriated by the legislature.

D. Department of Transportation Request on Conservation Easements and Wetland Mitigation

MR. EVERTS stated the Council has received a request from the Department of Transportation regarding some legislation they are drafting which relates to conservation easements and wetland mitigation. They would like to make a presentation to the Council regarding the same.

The Council agreed to have the presentation at a future meeting.

CO-CHAIR COCCHIARELLA stated that she has had conversations with interested parties regarding the Rail Link train derailment near Alberton. She has met with Rail Link officials and their attorney in Missoula. She believed the Council may want to have a presentation at some time about how this type of situation is handled. Lawsuits are ongoing at this time and individuals may be at risk. She will continue attending the meetings on this matter.

SEN. GROSFIELD asked MR. EVERTS for clarification of the statements made earlier in the meeting regarding public hearings. He believed the individuals involved did not understand the statute.

MR. EVERTS explained that **Mr. Crowell** cited a section of statute which stated that oral or written comment could achieve the objective of full participation. He has reviewed the statutes and a public hearing is not required.

REP. TASH stated they have an agenda item for the May meeting which deals with water rights. This is a similar situation. It will be pointed out to the individual who wants an audience that this Council does not hold administrative hearings and has no authority as such. However, it will be an information gathering opportunity for both the individual and the Council.

MR. SORENSEN stated his understanding is that the state is bound to review these situations on the technical merits. There was ample opportunity for public input on the technical merits. A public hearing may be counter productive. DEQ has to review these items on specific criteria. This situation needs to be addressed in the zoning requirements.

SEN. GROSFIELD stated that the permitting statutes judge situations on their technical merits. The legislature removed the “applause meter” for subdivision review and approval partly for that reason.

MR. MITCHELL stated that a letter from the Co-Chairs had been sent to Council members regarding the Council’s support of the abandoned mines lobbying effort in Congress. A recent news article reported the same information this Council was given regarding the Office of Surface Mining and Congress holding these funds to make the federal budget look good.

X CONFIRMATION OF EQC INTERIM CALENDAR AND SCHEDULE OF OUT OF HELENA EQC MEETINGS

The June 26th meeting will be in Dillon. The co-chairs and staff will be looking into locations for the May 8th meeting as well as future meetings. Locations suggested include: Billings, Great Falls, Sidney and Libby.

MR. EVERTS stated that the June meeting could be organized so that everyone on the Council could participate in the both the Water Policy Subcommittee and EQC field trips.

XI ADJOURNMENT

There being no further business, the meeting adjourned at 4:50 p.m.